

E10 (c) boiling the syrup under less than atmospheric pressure to produce foaming of the syrup; and

(d) continuing step (c) until the boiling results in the formation of a solid foam and produces a foamed glass matrix containing the biologically active agent.

E11 97. (Amended) The method according to claim 65, which further comprises the reducing of the residual moisture from the product of step [c)] (d).

Remarks

Discussion of Amendments

Claims 1-10, 12, 13, 15-23, 26-42, 44-48, 54-59, 61-67, 69, 71-72, and 78-98, as amended are presented for reconsideration.

Claim 1 has been amended to clarify the Markush group. Applicants note that the term "diagnostic reagent" is supported on page 7, lines 11-13.

The dependency of claim 17 has been corrected.

Claim 49 has been cancelled as being redundant in view of the amendments to claim 1. The dependency of claims 54, 55, 57, and 81 has been changed accordingly.

Claims 62, 65, 91 and 94 have been amended to define the "biologically active agent" in the same Markush terms as claim 1.

Claim 70 has been rewritten as requested by the Examiner.

Claim 71 has been amended as requested by the Examiner.

Discussion of 35 U.S.C. § 112 Rejection

Applicants believe the above amendments are fully responsive to these rejections.

Discussion of 35 U.S.C. § 102 and § 103 Rejections

The above amendments require all claims to read on FGMs containing biologically active agents selected from the group consisting of therapeutic agents, prophylactic agents,

pharmaceutically effective substances, and diagnostic reagents. Applicants believe the claims are thus patentably distinct from the glass candy art described in U.S. 5,030,469, it being noted that claim 1 has already been indicated to be directed to allowable subject matter.

Conclusion

Applicants believe the foregoing amendments and remarks place this application in condition for allowance. Allowance is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 263742001001. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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